

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL HINES,
Petitioner,

v.

W. L. MUNIZ, Acting Warden,
Respondent.

Case No. [15-cv-02428-DMR](#) (PR)

**ORDER DENYING LEAVE TO
PROCEED *IN FORMA PAUPERIS*
ON APPEAL**

This matter is now before the Court for consideration of Petitioner's motion for leave to proceed *in forma pauperis* on appeal. Petitioner's *pro se* petition for a writ of habeas corpus under 28 U.S.C. § 2254—challenging the April 16, 2015 decision by the California Board of Parole Hearings denying him parole—was denied on the merits pursuant to *Swarthout v. Cooke*, 562 U.S. 216, 220-21 (2011). A certificate of appealability was denied in the same Order. Petitioner has filed a notice of appeal and a motion for leave to proceed on appeal *in forma pauperis*. The certificate of appealability was denied because “no reasonable jurist would find the denial of his claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). For the same reason, Petitioner's appeal is not taken in “good faith” and consequently leave to proceed on appeal *in forma pauperis* is DENIED. See 28 U.S.C. § 1915(a)(3).

This Order terminates Docket No. 10.

IT IS SO ORDERED.

Dated: December 21, 2015



DONNA M. RYU
United States Magistrate Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL HINES,
Plaintiff,

v.

W.L. MUNIZ,
Defendant.

Case No. [4:15-cv-02428-DMR](#)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 21, 2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Michael Hines ID: E-48946
Salinas Valley State Prison
P.O. Box 1050
Soledad, CA 93960

Dated: December 21, 2015

Susan Y. Soong
Clerk, United States District Court



By: _____
Ivy Lerma Garcia, Deputy Clerk to the
Honorable DONNA M. RYU